

# PATENT COOPERATION TREATY

REC'D 02 MAY 2005

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From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2005/002077

International filing date (day/month/year)  
21.01.2005

Priority date (day/month/year)  
22.01.2004

International Patent Classification (IPC) or both national classification and IPC  
C08G81/02

Applicant  
DOW GLOBAL TECHNOLOGIES INC.

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the International application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
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Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
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Authorized Officer

Otegui Rebollo, J

Telephone No. +49 89 2399-8670



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/002077

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
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International application No.  
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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-25
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: EP-A-1 270 647 (MITSUI CHEMICALS, INC) 2 January 2003 (2003-01-02)
- D2: EP-A-0 964 022 (BRIDGESTONE CORPORATION) 15 December 1999 (1999-12-15)
- D3: EP-A-0 366 412 (EXXON CHEMICAL PATENTS INC) 2 May 1990 (1990-05-02)
- D4: WO 02/051893 A (CENTRE D'ETUDES SUR LE RECYCLAGE DES MATIERES PLASTIQUES S.A; TORRES,) 4 July 2002 (2002-07-04)

1. 1. The subject-matter of claims 1 to 25 of the application appears to be novelty anticipated (Article 33(2) PCT) by the branched polyolefin copolymers having functional side chains derived from ethylene, propylene, 4-methyl-1-pentene or butadiene, and compositions thereof, disclosed in the cited prior art (see passages cited in the search report, in particular the examples and claims). Concerning the parameters recited in the claims, it is assumed that they are implicitly contained in the polymers and compositions of the cited prior art, in particular in the examples thereof, as they appear to correspond to standard elastomer properties. Should applicants disagree with this opinion, they should file convincing evidence that the polymers and compositions illustrated in the cited prior art fall outside the claimed compositions. Note that when employing features, in the definition of the invention, not commonly used in the available prior art, the onus of proof lies by applicants.

2. In case of filing substitute amended pages (Article 19(1) PCT) and in order to facilitate the examination of the conformity of the amended application with the requirements of Article 19(2) PCT, applicants are requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based. If applicants regard it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

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International application No.  
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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-25
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/002077

**Re Item V**

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